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Attorney for Defendant
 KEVIN THOMPSON

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NO. CR 06-0051 CW
)	
Plaintiff,)	STIPULATION AND
)	ORDER WITHDRAWING DEFENDANT'S
v.)	<u>MOTIONS WITHOUT PREJUDICE</u>
)	
KEVIN THOMPSON, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

On June 12, 2006, Kevin Thompson filed a motion for disclosure of intent to use hearsay statements, a motion for government agents to retain rough notes, a request for Henthorne material and tentative witness list, a motion to reserve right to file additional motions if necessary, and a notice of joinder.

The parties hereby stipulate that defendant Thompson may withdraw these motions WITHOUT PREJUDICE in order to further facilitate settlement discussions. The parties are actively seeking to settle the case short of trial, and litigating these motions will be unnecessary if the parties can agree on a resolution. In order to promote further settlement discussions and preserve defendant's

STIP AND ORDER WITHDRAWING
 DEF'S MOT WITHOUT PREJUDICE

1 rights, the parties seek to withdraw defendant's motions without
2 prejudice. As such, the parties agree and stipulate that defendant
3 Thompson may withdraw these motions without prejudice and may re-
4 notice and file the motions should the parties be unable to reach a
5 negotiated resolution and the case proceeds to trial.

6 A proposed Order is appended hereto.

7 SO STIPULATED

8 Respectfully submitted,

9
10 DATED: July 17, 2006.

/s/

J. FRANK McCABE
Attorney for Defendant Thompson

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12 KEVIN V. RYAN
United States Attorney

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14 DATED: July 17, 2006.

/s/

MAUREEN BESSETTE
Assistant United States Attorney

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17 **ORDER**

18 Based on the stipulation of parties, the Court hereby
19 allows defendant to withdraw his motions without prejudice;
20 defendant may re-notice and re-file the motions if and when it is
21 appropriate. The Clerk is directed to remove this motion from the
22 Court's calendar.

23 SO ORDERED.

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25 DATED: July 19, 2006.

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HON. CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE